REMARKS

As an initial matter, Applicant notes that Examiner rejects Claims 30, 31, 34-36, 42, 53, and 54 under 35 U.S.C. § 112, first paragraph, as failing to comply with the enablement requirement. Applicant respectfully asserts that this rejection is now moot as a result of the current amendment to Claim 30. Therefore, Applicant respectfully requests Examiner withdraw the rejection of Claims 30, 31, 34-36, 42, 53, and 54 under 35 U.S.C. § 112, first paragraph.

The Examiner has rejected Claims 30, 31, 34-36, 42, 53, and 54 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,286,185 to Ramsauer ("Ramsauer") in view of U.S. Patent No. 1,538,320 to Gullong ("Gullong") and U.S. Patent No. 3,583,736 to Willimzik ("Willimzik").

Claim 30 stands currently amended to require that "an axis of the spring is arranged along a plane located between the two holding elements". This amendment is supported by Figs. 19F-19H.

Claims 1-29, 37, and 39 stand previously canceled. Claims 32, 33, 38, 40, 41, 43-52, and 55-58 stand previously withdrawn. Claims 30-36, 38, and 40-58 are currently pending. The following remarks are considered by applicant to overcome each of the Examiner's outstanding rejections to current Claims 30, 31, 34-36, 53, and 54. An early Notice of Allowance is therefore requested.

I. ANY NEXT ACTION CANNOT BE MARKED FINAL

During a teleconference with Examiner held on October 31, 2011, Examiner confirmed that an RCE would be required in order to enter the above amendment to Claim 30. Accordingly, an RCE has been filed concurrently herewith. Therefore, Applicant notes that any next Office Action by Examiner **cannot** be marked final.

II. SUMMARY OF RELEVANT LAW

The determination of obviousness rests on whether the claimed invention as a whole would have been obvious to a person of ordinary skill in the art at the time the invention was made. In determining obviousness, four factors should be weighed: (1) the

scope and content of the prior art, (2) the differences between the art and the claims at issue, (3) the level of ordinary skill in the art, and (4) whatever objective evidence may be present. Obviousness may not be established using hindsight or in view of the teachings or suggestions of the inventor. The Examiner carries the burden under 35 U.S.C. § 103 to establish a prima facie case of obviousness and must show that the references relied on teach or suggest all of the limitations of the claims.

III. REJECTION OF CLAIMS 30, 31, 34-36, 53, AND 54 UNDER 35 U.S.C. § 103(a) BASED ON RAMSAUER IN VIEW OF GULLONG AND WILLIMZIK

On page 3 of the current Office Action, the Examiner rejects Claims 30, 31, 34-36, 53, and 54 pursuant to 35 U.S.C. § 103(a) as being unpatentable over Ramsauer in view of Gullong and Willimzik. These rejections are respectfully traversed and believed overcome in view of the following discussion.

Amended independent Claim 30 now states, in part:

> "wherein an **axis** of the **spring** is arranged along a **plane** located **between** the **two holding elements**." (emphasis added).

The configuration required above is shown in Figs. 19F-19H of the current Application, and results in a **symmetrical** arrangement of the spring with respect to the rectangular space formed by the openings or breakthroughs of the holding elements. This symmetrical arrangement increases the stability of the holding elements and spring for handling purposes. See Application, ¶ [0106].

Conversely to the above requirement of Claim 30, Figs. 2 and 5 of Willimzik clearly shows that the spring 20 is **asymmetrically** arranged with respect to the space formed by the two sliding latch-bolts 10 and 11. In other words, the axis of the spring 20 of Willimzik is **not** arranged along the plane located between the two sliding latch-bolts 10 and 11, but **rather** is **offset** from this plane. As a result the structure of the spring 20 and metal plates 1, 12 is unstable when handled outside the housing 4, since only half of the cross section of spring 20 is supported. For this reason alone, it is impossible to combine the teachings of the cited references so as to arrive at the invention of Claim 30.

It appears that none of the actual hinge citations show a manageable unit comprising three parts thereby solving the object of the invention laid down in paragraphs [0006]-[0009] of the current Application, namely to avoid loose parts which may drop into a switch cupboard and cause short cuts. In this regard, the hinge of Claim 30 has four loose parts, before pre-mounting: one hinge part (16, 18); one spring (42, 1142); and two holding elements (36, 1136). After pre-mounting the spring and the holding elements, there remain only two parts (i.e., the pre-mounted part and the hinge part)

In addition, Applicant reasserts that **none** of the cited references, either alone or in combination, teach or suggest the first and second **smooth inclined** surfaces of the holding elements of Claim 30 for reasons made of record in the prior December 29, 2010 Amendment/Response. More specifically, Willimzik teaches that the **surfaces** of the latch-bolts 10, 11 which contact the respective **surfaces 14, 15** of the two abutment lugs 16, 17 so as to support the latch-bolts 10, 11 are **parallel** to each other. Thus, Willimzik teaches configuring latch-bolts to apply **direct pressure force**, similarly to the configuration of Gullong. This means that combining the teachings of Willimzik (which teaches a surface configured so as to apply **direct pressure**, and ***not*** **frictional pressure of a smooth inclined surface**) with those of Gullong would arrive at a device with holding elements which have a first **parallel** surface "which, when assembled, contacts the rim or edge of the opening so as to support the body part on the rim or edge of the opening". As such, it is impossible to combine the teachings of the cited references to arrive at the first and second surfaces of the holding elements of Claim 30 which are both (1) **smooth** ***and*** (2) **inclined** ***with respect to the plane of the thin wall***. Accordingly, Applicant respectfully asserts that no amendments to Claim 30 are necessary to distinguish it over the current cited art.

Accordingly, for all of the reasons discussed above, Applicant respectfully asserts that Examiner has failed to establish a *prima facie* case of obviousness of independent Claim 30, and corresponding Claims 31, 34-36, 42, 53, and 54 because they are each ultimately dependent from Claim 30. Therefore, Applicant respectfully requests that Examiner remove the rejection of Claims 30, 31, 34-36, 42, 53, and 54 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,286,185 to Ramsauer in view of U.S. Patent No. 1,538,320 to Gullong and U.S. Patent No. 3,583,736 to Willimzik.

IV. WITHDRAWN CLAIMS 32, 33, 38, 40, 41, 43-52, AND 55-58

Claims 32, 33, 38, 40, 41, 43-52, and 55-58 are each ultimately dependent from independent Claim 30. As Claim 30 is allowable, so must be Claims 32, 33, 38, 40, 41, 43-52, and 55-58. Accordingly, Applicant respectfully asserts that Claims 32, 33, 38, 40, 41, 43-52, and 55-58 are now in allowable form. Therefore, Applicant respectfully requests Examiner rejoin and allow currently withdrawn Claims 32, 33, 38, 40, 41, 43-52, and 55-58.

Based upon the above remarks, Applicant respectfully requests reconsideration of this application and its early allowance. Should the Examiner feel that a telephone conference with Applicant's attorney would expedite the prosecution of this application, the Examiner is urged to contact him at the number indicated below.

Respectfully submitted,

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